

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Cause No. 1:15-cr-0138-RLY-TAB |
| |) | |
| JERRY LEE BUCKNER, |) | |
| |) | |
| Defendant. |) | - 01 |

REPORT AND RECOMMENDATION

On December 13, 2021, January 13, and April 15, 2022, the Court held hearings on the Petitions for Warrant or Summons for Offender Under Supervision filed on November 15, 2021, and February 7, 2022. Defendant Buckner appeared in person with his appointed counsel Leslie Wine. The government appeared by MaryAnn Mindrum, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Buckner of his rights and provided him with a copy of the petition. Defendant Buckner orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Buckner admitted violation numbers 1, and 2. [Docket Nos. 42, and 53.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 **“The defendant shall refrain from any unlawful use of a controlled substance.”**

On October 29, 2021, Mr. Buckner submitted a urine specimen which tested positive for cocaine. He denied using the substance, and the sample was forwarded to Alere Laboratory where it was confirmed positive for cocaine.

As previously reported to the Court, Mr. Buckner submitted a urine specimen on July 19, 2021, which tested positive for cocaine, cannabinoids, and amphetamines. He admitted using all three substances. On September 8, 2021, he submitted a urine specimen which tested positive for cocaine and cannabinoids. He admitted using both substances.

- 2 **“The defendant shall refrain from any unlawful use of a controlled substance.”**

On January 21, 2022, Mr. Buckner submitted a urine specimen which tested positive for cocaine. He denied using the substance, and the sample was forwarded to Alere Laboratory where it was confirmed positive for cocaine.

As previously reported to the Court, on October 29, 2021, Mr. Buckner submitted a urine specimen which tested positive for cocaine. He denied using the substance, and the sample was forwarded to Alere Laboratory where it was confirmed positive for cocaine. On September 8, 2021, he submitted a urine specimen which tested positive for cocaine and cannabinoids. He admitted using both substances. On July 19, 2021, Mr. Buckner submitted a urine sample which tested positive for cocaine, cannabinoids, and amphetamines. He admitted using all three substances.

4. The parties stipulated that:

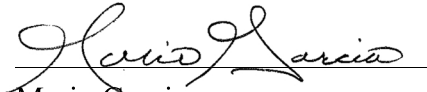
- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is VI.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 21 to 24 months’ imprisonment.

5. The parties jointly recommended a sentence of eighteen (18) months with no supervised release to follow. Defendant requested placement at FCI Terre Haute.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of eighteen (18) months with no supervised release to follow. The Magistrate Judge will make a recommendation of placement at FCI Terre Haute. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 4/15/2022


Mario Garcia
United States Magistrate Judge
Southern District of Indiana

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